

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MICHAEL DORMAN, *et al.*,

Plaintiffs,

v.

Case No. 15-cv-12552  
Hon. Matthew F. Leitman

TOWNSHIP OF CLINTON,

Defendant.

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**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS’  
REQUEST TO AMEND COMPLAINT TO ADD RETALIATION AND  
RENEWED MOTION ALLOWING DE BENE ESSE DEPOSITIONS,  
EVIDENCE OF THE CRIMINAL MATTER AND INTRODUCTION OF  
MEDICAL RECORDS SOLELY TO HELP JURY CALCULATE ACCURATE  
EMOTIONAL DISTRESS DAMAGES (ECF No. 185)**

Now before the Court is Plaintiffs’ “Request to Amend Complaint to Add Retaliation and Renewed Motion Allowing De Bene Esse Depositions, Evidence of the Criminal Matter and Introduction of Medical Records Solely to Help Jury Calculate Accurate Emotional Distress Damages.” (*See* Mot., ECF No. 185.) The Court held an in-person hearing to consider Plaintiffs’ motion on January 31, 2023. For the reasons explained on the record during that hearing, Plaintiffs’ motion (ECF No. 185) is **GRANTED IN PART** and **DENIED IN PART** as follows:

- Plaintiffs’ request to amend their complaint is **DENIED WITHOUT PREJUDICE.**

- Plaintiffs may take De Bene Esse depositions of the three individuals that Plaintiffs' counsel identified on the record during the hearing before the Court: Demetrius Thomas, James Boatman, and the mental health professional who is currently treating Plaintiff Michael Dorman. Plaintiffs shall depose these three individuals after **March 17, 2023**.
- Defendants may serve written discovery requests related to the anticipated testimony of Demetrius Thomas, James Boatman, and the mental health professional who is currently treating Plaintiff Michael Dorman. Defendants shall serve those requests in a time frame such that timely responses to the requests will be due before **March 17, 2023**.
- Once the three depositions are complete, the Court will convene a status conference to address how to resolve the parties' dispute concerning whether the deposition transcripts (and video recordings, if any) shall be admissible at trial. By allowing Plaintiffs to depose the three individuals, the Court is not expressing any views regarding the admissibility of the depositions at trial. Rather, the Court believes it will be in a better position to assess the admissibility of the deposition testimony once it has reviewed the depositions and the parties' arguments on the matter.

**IT IS SO ORDERED.**

Dated: January 31, 2023

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 31, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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